

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

COALITION FOR TJ,

Plaintiff,

v.

FAIRFAX COUNTY SCHOOL BOARD,  
and DR. SCOTT BRABRAND, in his  
official capacity as Superintendent of the  
Fairfax County School Board,

Defendants.

Civil No. 1:21-cv-00296-CMH-JFA

**DEFENDANTS’  
MOTION TO DISMISS UNDER RULES 12(b)(1) AND 12(b)(6)**

Defendants Fairfax County School Board and Dr. Scott Brabrand, in his “official capacity,” by counsel and pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6), for the reasons stated in the accompanying brief, move to dismiss the complaint against them on the grounds that (1) plaintiff Coalition for TJ lacks associational standing; (2) the complaint fails to state a claim under 42 U.S.C. § 1983 for a violation of the Equal Protection Clause; and (3) the claim against Dr. Brabrand in his “official capacity” is the same as a suit against the School Board and is therefore duplicative.

Respectfully submitted,

FAIRFAX COUNTY SCHOOL BOARD and  
DR. SCOTT BRABRAND in his “official  
capacity” as Superintendent

By: /s/  
Stuart A. Raphael (VSB No. 30380)  
Sona Rewari (VSB No. 47327)  
HUNTON ANDREWS KURTH LLP

